

DOC #

DATE FILED: 2/29/08

DIESEL PROPS S.R.L. and
DIESEL KID S.R.L.,

Civil Action No. 07CV9580 (HB)

Plaintiffs/Counter-Defendants,

~~PROPOSED~~

ORDER FOR

PRELIMINARY INJUNCTION

-against-

GREYSTONE BUSINESS CREDIT II LLC
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs

-against-

DIESEL S.p.A.

Third-Party Defendant.

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Upon the Amended Complaint filed herein, the Declaration of Luigi Mezzasoma dated October 26, 2007, the Declaration of Germano Ferraro dated October 26, 2007, the Declaration of Rosanna Sartori dated October 26, 2007, the Declaration of Stephen Birkhold, dated February 8, 2008, the Declaration of Anthony Strippoli, dated February 8, 2008, the Declaration of Ira Sacks, dated February 10, 2008, the Declaration of Carlo Pascotto, dated February 11, 2008, the Declaration of Sudeepo Killick, dated February 11, 2008, the Declaration of Jaime Laguetto-Stevens, dated February 11, 2008, the Declaration of Scott Home, dated February 11, 2008, the Supplemental Declaration of Ira Sacks, dated February 22, 2008, the Declaration of Daniel Shapiro, the Declaration of David Chizewer, the exhibits to all such declarations, the Verification of Guy Smith, the memoranda of law, dated October 26, 2007, and February 22, 2008, all the letters submitted by the parties and the exhibits to such letters and

FOUND that Plaintiffs are likely to succeed on the merits (or at the very least there are sufficiently serious questions going to the merits as to make it a fair ground for litigation) on their claim for conversion against Defendants Global Brand Marketing, Inc. ("GBMI") and Greystone Business Credit II, LLC ("Greystone") of inventory of 101,000 pairs of branded Diesel footwear (the "Old GBMI Product"); and Plaintiffs' proposed claims for fraud and breach of contract against Greystone; and it is further

FOUND that Plaintiffs will be irreparably harmed in the absence of a preliminary injunction enjoining Defendants and those in active concert or participation with them from transferring, selling, distributing or otherwise disposing of the Old GBMI Product; and it is further

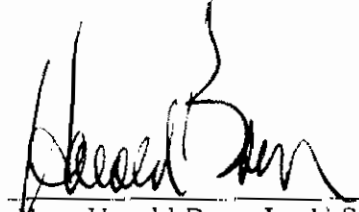
FOUND that the balance of the hardships tips in Plaintiffs favor; and therefore it is hereby

ORDERED that pursuant to Federal Rule of Civil Procedure ("FRCP") 65, ~~and~~ *AK*
~~pending the resolution of the merits of this action,~~ Defendants Global Brand Marketing, Inc. ("GBMI") and Greystone Business Credit II, LLC ("Greystone"), and their officers, members, agents, servants, employees and attorneys and those in active concert or participation with them who receive actual notice of this order, including but not limited to Titan Apparel, Inc., are preliminarily enjoined from transferring, selling, distributing or otherwise disposing of the Old GBMI Product; ~~and it is further~~ *pending further order of this*

CAVAT; and it is further

ORDERED that the \$1 million bond previously posted by Plaintiff is sufficient security for the payment of costs and damages as may be incurred by any party wrongly enjoined or restrained hereby.

Feb 29
Dated: ~~March~~ Feb 29, 2008



Hon. Harold Baer, Jr., U.S.D.J.